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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,640	08/19/2003	Fumihiko Nakazawa	030931	3730
38834	7590	08/11/2006		EXAMINER
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			AMADIZ, RODNEY	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/642,640	NAKAZAWA ET AL.
	Examiner	Art Unit
	Rodney Amadiz	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-16 and 18-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/06 & 4/25/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6, 9, 10, 12-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (USPGPUB 2002/0172031) in view of An (USPGPUB 2002/0154250).

As to Claim 1, Masuda teaches a touch panel device comprising: a touch panel for detecting a touched position (See Figs. 15d and 24 and note reference numbers 32, 33, 34, 36 and 38 which constitute a touch panel); and a lighting device including a light source (Fig. 24, reference number 10), a light guiding part on which light is incident from said light source (Fig. 24, reference number 20b), and a light guiding and emitting part for guiding light propagated through said light guiding part so as to emit the light as planar light to an outside (Fig. 24, reference numbers 20a and 25), wherein the light to be guided to the outside from said light guiding and emitting part is emitted from a side opposite to a side on which the touched position is to be detected (See Fig. 24, note that 20a, 26 and 25 are on the opposite side from which the touch position is detected). Masuda, however, does not teach that the light guiding and emitting part propagates through an ultrasonic wave through an optically transparent substrate and senses a

change in a propagation state of the ultrasonic wave due to a touch of an object with said substrate so as to detect a position where the object is touched. Examiner cites An to teach that a light guiding and emitting part propagates an ultrasonic wave through an optically transparent substrate and senses a change in a propagation state of the ultrasonic wave due to a touch of an object with said substrate so as to detect a position where the object is touched (See Fig. 11 and ¶ 59). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of an ultrasonic touch pad as taught by An in the touch pad taught by Masuda in order to produce a touch panel with good optical quality.

As to Claims 3 and 19, Masuda teaches a touch panel (See Figs. 15d and 24 and note reference numbers 32, 33, 34, 36 and 38); however, he does not state whether the touch panel is resistive. Examiner cites An to teach a resistive touch panel wherein said touch panel senses a change in resistance of a resistance film due to a touch of an object with said resistance film so as to detect a position where the object is touched (See Figs 7 and 8 and ¶'s 45-47). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a resistive touch pad as taught by An in the touch pad taught by Masuda in order to reduce the manufacturing cost of the touch panel.

As to Claim 4, Masuda teaches said light guiding and emitting part is a step-like structure formed on said light guiding part (Pg. 10, ¶ 153).

As to Claim 6, Masuda teaches an optical refractive index of said light guiding

and emitting part that is not less than an optical refractive index of said light guiding part (See Pg. 4, ¶ 76).

As to Claim 9, Masuda teaches said light guiding and emitting part is a plurality of grooves formed in said light guiding part (See Figs 15A-15D and Fig. 24 and note reference numbers 25 and 26a1).

As to Claim 10, Masuda teaches a formation direction of said grooves forms an angle of 35 degrees to 55 degrees with respect to a normal direction of a face of said light guiding part (See Pg. 12, ¶ 181).

As to Claims 12 and 20, Masuda teaches an adhesive agent layer (Fig. 24, Adhesive Layer 28) for bonding said substrate of said touch panel and said light guiding part of said lighting device together (See Masuda-Pg. 9, ¶ 148).

As to Claims 14 and 22, Masuda teaches an adhesive agent layer (Fig. 24, Adhesive Layer 28) for bonding said substrate of said touch panel and said light guiding part of said lighting device together (See Masuda-Pg. 9, ¶ 148).

As to Claims 13, 15, 21 and 23, Masuda teaches the optical refractive indices of said substrate, said light guiding part, and said adhesive agent layer are indicated by n1 n2, and n3, respectively, the optical refractive indices n1 n2, and n3 satisfy the following conditions: n1.apprxeq.n3.apprxeq.n2 (See Masuda-Pg. 12, ¶ 180).

As to Claim 16, Masuda teaches a light source for emitting light which is to be incident on said substrate (Fig. 24, reference number 10); and a light guiding and emitting part for guiding the light incident on said substrate from said light source so as to emit the light to an outside (Fig. 24, reference numbers 20a and 25), wherein said

light guiding and emitting part is configured so that the light incident on said substrate from said light source is guided and emitted to the outside from a face of said substrate opposite to a face where the touched position is to be detected (Masuda—See Fig. 24, note that 20a, 26 and 25 are on the opposite side from which the touch position is detected). Masuda, however, does not teach a touch panel device in which an ultrasonic wave is propagated through an optically transparent substrate and a change in a propagation state of the ultrasonic wave due to a touch of an object with said substrate is sensed to detect a position where the object is touched. Examiner cites An to teach a touch panel device in which an ultrasonic wave is propagated through an optically transparent substrate and a change in a propagation state of the ultrasonic wave due to a touch of an object with said substrate is sensed to detect a position where the object is touched (See Fig. 11 and ¶ 59). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of an ultrasonic touch pad as taught by An in the touch pad taught by Masuda in order to produce a touch panel with good optical quality.

As to Claim 18, all the limitations have been addressed with respect to the rejection of Claims 1 and 4.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda and An as applied to Claim 1 above, and further in view of Kubo et al. (U.S. Patent 6,456279).

As to Claim 11, the modified touch panel device of Masuda and An does not teach said light guiding and emitting part is a plurality of prisms formed on said light guiding part. Examiner cites Kubo et al. to teach a plurality of prisms formed on said light guiding part (See Fig. 7, note micro-prisms 8 and Col. 10, lines 15-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to form a plurality of prisms on a light guide plate as taught by Kubo et al. in the modified touch panel taught by Masuda and An in order to reflect the light of a touch panel light with high efficiency (Kubo—Col. 9, lines 11-20).

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda and An as applied to Claim 1 above, and further in view of Fumiaki et al. (JP06-235917).

As for Claim 7, the modified touch panel of Masuda and An does not teach said light guiding and emitting part is a plurality of protrusions formed on said light guiding part. Examiner cites Fumiaki et al. to teach said light guiding and emitting part is a plurality of protrusions (Fig. 1, factor portions 28) formed on said light guiding part (14). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the light guiding and emitting part of a plurality of protrusions as taught by Fumiaki et al. into the modified touch panel taught by Masuda and An in order to effectively reflect the light off of the protrusions so that a high luminance thin type lighting system may be produced.

As for Claim 8, the further modified touch panel of Masuda, An and Fumiaki et al. teaches an optical refractive index of said protrusions that is not less than an optical refractive index of said light guiding part (Fumiaki-See abstract).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda and An as applied to Claim 1 above, and further in view of Nakabayashi et al. (USPGPUB 2001/0019479).

As to Claim 5, the modified touch panel of Masuda and An does not teach a formation direction of the step-like structure forms an angle of not more than 32.5.degree. with respect to a normal direction of a face of said light guiding part. Examiner cites Nakabayashi et al. to teach a formation direction of the step-like structure forms an angle of not more than 32.50 degrees with respect to a normal direction of a face of said light guiding part (See Fig. 43 and Pg. 19, ¶ 335). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to form angles of no more than 32.50 degrees as taught by Nakabayashi et al. in the modified touch panel taught by Masuda and An in order to direct the unrequested reflected light outside the angle of visibility (See Nakabayashi et al. Pg. 19, ¶ 335).

Response to Arguments

6. Applicant's arguments filed May 25, 2006 have been fully considered but they are not persuasive. As to Claims 1 and 16, Applicant argues that "An actually discloses using two mediums to accomplish what the present invention does in one medium" (Pg.

9, third paragraph). Applicant also argues that “the present invention eliminates the need for using tow mediums, one as an ultrasonic touch panel and the other as a lighting device, as taught in An” (Pg. 9, last paragraph). Examiner respectfully disagrees with the statements above. An does not teach two mediums. An teaches one medium that functions as an ultrasonic touch panel and a lighting device (See Fig. 11, Reference Number 120). Moreover in Col. 5, Paragraph 59, lines 1-2 and 7-8 specifically state “an ultrasonic wave *touch panel with the light guide integrally formed therein* 120...This can also be considered as a case whether the *light guide is integrally formed in the touch panel.*” (*Emphasis added*). Furthermore, Figure 11 of An clearly teaches only having one integrated structure to be used in addition to an LCD which clearly reads on the broadly claimed invention (Same as Applicants disclosure—Fig. 3).

Applicant also argues on Page 10, first paragraph that “Figure 40 of Masuda discloses a step-like structure, but only on the light guiding part, not the light guiding and emitting part formed on the light guiding part, as required in Claim 4.” Examiner respectfully disagrees with the statement above. Figure 40 of Masuda clearly shows the light guiding and emitting part (620) as step-like structure formed on the light guiding part which reads on the broadly claimed invention.

Finally, Applicant argues that reflecting films is not the same as a groove as required in claim 9. Examiner respectfully disagrees. The spaces that the film is housed in are grooves.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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